

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL DISTRICT  
OF BOLIVAR COUNTY, MISSISSIPPI

ADDIE HERROD

PLAINTIFF

V.

CIVIL ACTION NO. 2021-0007

WAL-MART STORES EAST, L.P.

DEFENDANT

COMPLAINT

COMES NOW plaintiff, by and through counsel of record and files her complaint against defendant Wal-Mart Stores East, L.P. and in support thereof would show unto this Court the following:

I. Jurisdiction and Venue

1. This is a civil action seeking monetary damages for bodily injuries sustained by plaintiff as a result of the defendant's negligence, in failing to keep the Walmart store at 710 North Davis Avenue, Cleveland, Mississippi in a reasonably safe condition on November 23, 2020. By virtue of the provisions of Miss. Code Ann. Section 11-11-3 (Rev. 2003), this Court has venue of this cause of action, since a substantial portion of the incident from which plaintiff's claims arise occurred in Cleveland, Second Judicial District of Bolivar County, Mississippi.

II. Parties

2. Plaintiff is an adult resident citizen who resides in Holcomb, Grenada County, Mississippi.

3. Defendant Wal-Mart Stores East, L.P. is an Arkansas incorporation organized and

existing under the laws of the State of Arkansas with its principal place of business in the State of Arkansas, but is doing business in the State of Mississippi and may be served with process through its registered agent, CT Corporation System, at 645 Lakeland East Drive, Suite 101, Flowood, Rankin County, Mississippi 39232.

4. The defendant is legally responsible in whole or in part for the operation and the conditions of the store at the time of plaintiff's injuries and had the duty to keep the store in a reasonably safe condition.

### III. Facts

5. On November 23, 2020, plaintiff entered the Walmart store in Cleveland, Mississippi to purchase goods offered for sale at the store. As plaintiff was shopping at the store, she slipped on a puddle of liquid substance which had spilled onto the floor and caused plaintiff to slip and fall and injure her back.

6. Plaintiff's bodily injuries and permanent impairment were caused by the Walmart's negligence in failing to keep the floor of the store in reasonably safe condition. In the exercise of due care, Walmart was negligent in failing to clean the puddle of liquid substance in the position where plaintiff fell and in failing to maintain the store in a reasonably safe condition. The puddle of liquid substance constituted a dangerous condition by causing the floor to become slippery.

### IV. First Cause of Action: Negligence

7. November 23, 2020, at the time of plaintiff's injuries, Walmart had the duty and responsibility to maintain the store in a reasonably safe condition. Walmart breached its duties

and responsibilities and is liable and answerable to plaintiff under Mississippi law.

8. Walmart is a store offering goods for sale, is regularly used by the public and is required to use reasonable care to keep its premises in a reasonably safe condition. At the time of plaintiff's fall and injuries, a puddle of liquid substance was on the floor where plaintiff fell in the store.

V. Second Cause of Action: Failure To Warn of a Dangerous Condition

9. At the time of plaintiff's injuries on November 23, 2020, there were no warning signs at the location of the puddle of liquid substance in place to warn plaintiff and customers of the hidden and non-obvious dangerous condition. Defendant had the duty and responsibility to insure that warning signs were in place to warn customers of the known hidden and non-obvious dangerous condition created by the puddle of liquid substance. Defendant breached its managerial duties and responsibilities and is personally liable to plaintiff.

10. Defendant had a duty to exercise reasonable and ordinary care to properly inspect its store floor area. Defendant had a duty to warn its customers of the known, dangerous condition created by its failure to properly clean the puddle of liquid substance from the floor. Defendant breached its duty to warn of the known and dangerous condition and its duty to maintain its floors in a reasonably safe condition.

11. Plaintiff's injuries were caused by defendant's failure to keep its store premises in a reasonably safe condition and the failure to reasonably inspect its premises for hidden, non-obvious and foreseeable defects and conditions.

12. As a result of plaintiff's November 23, 2020 slip and fall at the Walmart store,

plaintiff permanently injured her back and has sustained past medical bills in the approximate amount of \$15,000.00 and will in all probability incur additional future medical bills.

13. Plaintiff's injuries required medical treatment at North Sunflower Medical Center in Ruleville, Mississippi; Mississippi Sports Medicine in Flowood, Mississippi; and Advanced Physical Therapy in Cleveland, Mississippi due to the November 23, 2020 fall at the Walmart store and plaintiff has suffered past, present and future lost earnings.

14. As a direct result of the November 23, 2020 incident at the Walmart store, plaintiff has incurred out of pocket expenses and related medicals bills in the amount of \$15,000.00.

15. Under Mississippi law, the owner, occupant or person in charge of a premises owes to an invitee a duty of exercising reasonable or ordinary care to keep the premises in a reasonably safe and suitable condition or to warn the invitee of the dangerous conditions not readily apparent which the owner knows or should know of in the exercise of reasonable care.

16. As a direct result and proximate cause and result of the Walmart's negligence, plaintiff received serious, grievous and permanent injuries to her lumbar spine.

17. Defendant's actions and conduct were reckless and constitute gross negligence and plaintiff is entitled to punitive damages in the amount of \$100,000.00.

#### VI. Third Cause of Action: Emotional Distress

18. The allegation of paragraphs 1-17 are realleged and readopted as if fully set out below.

19. Walmart's actions and conduct constitute negligent infliction of emotional distress

under the laws of the state of Mississippi.

WHEREFORE, the plaintiff demands judgment of and from Walmart in the amount of \$100,000.00 for compensatory damages and all costs accruing in this action.

SO COMPLAINED this the 12<sup>th</sup> day of February, 2021.

RESPECTFULLY SUBMITTED,  
ADDIE HERROD, Plaintiff

By:

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